APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,609	10/24/2000	Klaus Hofrichter	SONY-50N3765	3968

			EXAMINER
7590	12/01/2004		SRIVASTAVA, VIVEK

Wagner Murabito & Hao LLP
Two North Market Street Third Floor
San Jose, CA 95113

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/696,609	HOFRICHTER ET AL.
	Examiner	Art Unit	
	Vivek Srivastava	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date *11/22/03*.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4 and 6 – 9 are rejected under 35 U.S.C. 102(e) as being

anticipated by Sezan et al (6,236,395).

Regarding claim 1, Sezan discloses a method and a computer readable

medium for enabling an electronic device for automated management of a on-site

storage device (see col 6 lines 23 – 39 and col 7 lines 7 – 40). Sezan discloses

receiving and radio and video programs and recoding the programs (see col 7 lines 7 –

38, col 6 lines 23 – 39). Sezan further discloses receiving context data describing the

received programs (see description scheme – col 5 lines 33 – 46, col 6 lines 1 – 38 and

col 9 lines 13 – 48). In addition, Sezan teaches receiving storage management

instructions according to a user profile and automatically storing the content data and

context data in accordance with the storage management instructions (see col 9 lines 1-

7, col 9 line 40 – col 10 line 37, col 7 lines 7 – 38). It is noted that the storage

management instructions are met by the all the description schemes including the program scheme, user scheme and system scheme (see col 4 line 40 – col 6 line 39).

Regarding claim 2, Sezan inherently discloses the claimed processor and computer readable memory as required to perform the function of automated management of data stored on the storage medium (see col 6 lines 23 – 39, col 6 line 63 – col 7 line 40).

Regarding claim 4, Sezan discloses the claimed managing content data and context data of media signal stored on the media storage device according to storage management instructions (see col 9 lines 1- 7, col 9 line 40 – col 10 line 37, col 7 lines 7 – 38).

Regarding claims 6 and 8, Sezan discloses deleting of stored programs and writing of programs (see col 11 lines 50 – 67) per a user description profile scheme and thus discloses the claimed "allowing overwriting of a new media signal over a media signal recorded onto said media storage device in accordance with said storage management instructions".

Regarding claim 7, Sezan discloses receiving user preferences from said on-site user (see col 5 lines 37-45, col 9 lines 40 – 50).

Regarding claim 9, Sezan discloses updating the description schemes (see col 6 lines 1 – 6, col 9 lines 9 – 25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 5 and 10 – 31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sezan et al (6,236,395).

Regarding claims 3, 13 and 23 although Sezan discloses the system

description scheme provides program and data management (see col 6 lines 23 – 39)

and suggests transmitting the system description scheme (see col 8 lines 1 – 5), Sezan

fails to disclose wherein the storage management instructions are provided by a storage

management service provider, located remotely from the media storage device.

The Examiner takes Official Notice it would have been well known to transmit

management instructions from a server to a user client device for local filtering or

programming to reduce the software and hardware required for generating management

instructions at each user client device. Therefore, it would have been obvious to modify

Sezan to include the claimed limitations to reduce the hardware and software required

at the user client device.

Regarding claims 5, 10, 15, 20, 25 and 30 although Sezan discloses filtering

according to a user profile, Sezan fails to disclose providing context-sensitive

management and wherein the storage management instructions are capable of

managing a discrete context-content clip of data. The Examiner takes Official Notice it

would have been well known to provide context-sensitive filtering of programming to

provide a user with programming with undesired context-sensitive and context-content

material like foul language or violence. Therefore, it would have been obvious to modify

Sezan to include the claimed limitations to filter out un-desired content.

Regarding claims 11 and 21, Sezan discloses a method and computer readable

medium for generating storage management instructions for an on-site media storage

device, the storage management instructions operable for automated management of

data stored on on-site media storage device as discussed in claim 1 above. Although

Sezan discloses the system description scheme provides program and data

management (see col 6 lines 23 – 39) and suggests transmitting the system description

scheme (see col 8 lines 1 – 5), Sezan fails to disclose transmitting the storage

management instructions to the on-site media storage device. The Examiner takes

Official Notice it would have been well known to transmit management instructions from

a server to a user client device for local filtering or programming to reduce the software

and hardware required for generating management instructions at each user client

device. Therefore, it would have been obvious to modify Sezan to include the claimed

limitations to reduce the hardware and software required at the user client device.

Regarding claims 12 and 22, Sezan discloses enabling the storage

management instructions to execute on the on-site media storage device (see col 6

lines 23 – 39, col 6 line 63 – col 7 line 40).

Regarding claims 14 and 24, Sezan discloses automated management of a media signal without requiring input from a user (see col 11 lines 50 – 65, col 7 lines 7 – 49).

Regarding claims 16 – 18 and 26 - 28, Sezan discloses deleting of stored programs and writing of programs (see col 11 lines 50 – 67) per a user description profile scheme and thus discloses the claimed "allowing overwriting of a new media signal over a media signal recorded onto said media storage device in accordance with said storage management instructions", "storage management instructions are capable of interpreting user preference data from an on-site user of said on-site media storage device" and "tailoring storage management instructions with respect to user preferences".

Regarding claims 19 and 29, Sezan discloses updating the description schemes (see col 6 lines 1 – 6, col 9 lines 9 – 25).

Regarding claim 31, Although Sezan discloses the system description scheme provides program and data management (see col 6 lines 23 – 39) and suggests transmitting the system description scheme (see col 8 lines 1 – 5), Sezan fails to disclose the claimed wherein the storage management instructions are integrated with the media signal. The Examiner takes Official Notice it would have been well known to transmit management instructions from a server to a user client device for local filtering or programming to reduce the software and hardware required for performing the generation of management instructions at each user client device. Therefore, it would

have been obvious to modify Sezan to include the claimed limitations to reduce the

hardware and software required at the user client device.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Ismail et al (6,614,987) – TV program recording

Russo (6,732,366) – Stored program pay-per-play

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Vivek Srivastava whose telephone number is (703) 305-

4038. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Vs
11/28/04

VIVEK SRIVASTAVA
PRIMARY EXAMINER